

REMARKS

I. Status of the Claims:

Claims 1-2, 4-26 and 28-36 are pending. Claims 3 and 27 has been canceled without prejudice. Claims 1-2, 4-5, 8-10, 15-17, 19-21, 26, 28-30 and 33 have been amended to clarify the invention. Support for these amendments can be found throughout the originally filed specification and figures, see for example, Figure 3. Accordingly, none of the amendments introduce new matter.

The Examiner has rejected claims 2-11, 16, 17, 19-21, 28, 29, 30, 33 and 36 under 35 U.S.C. §112 as being indefinite. The Examiner has rejected claims 1, 2, 8, 12-14, 26, 31-32 and 34-36 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,898,823 to Tsai ("Tsai"). The Examiner has rejected claims 1-4, 8, 12, 13, 15, 16, 18 and 22-24 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2005/0145459 to Lu ("Lu"). The Examiner has rejected claims 9-11, 25, 30 and 33 under 35 U.S.C. §103(a) as being unpatentable over the references as applied to claims 2, 8, 16, 19, and 27 and further in view of U.S. Patent No. 6,668,423 to Chen ("Chen").

II. Interview Summary

Applicant acknowledges with appreciation the courtesy extended by the Examiner during the telephonic interview with the Applicant's attorney of record on October 6, 2007. In accordance with MPEP § 713.04, Applicant summarizes herewith the details of the interview with the Examiner.

During the interview, the subject matter of the claims was discussed with particular attention directed to independent claims 1, 15 and 26 in comparison to the prior art cited in the

previous Office Action. The Examiner provided an explanation for the interpretation of the prior art with respect to the phrase “selectively in communication with” as recited in the independent claims. The Examiner suggested that the claims be amended to more clearly recite this feature. No samples or prototypes of the instant invention were exhibited.

III. Rejections Under 35 U.S.C. §112

The Examiner has rejected claims 2-11, 16, 17, 19-21, 28, 29, 30, 33 and 36 under 35 U.S.C. §112 as being indefinite. In particular, the Examiner contends that there is no relationship established between the “at least one protrusion” recited in independent claim 1 or the “at least a first protrusion” recited in claim 26, and “a pair of first protrusions” recited in claims 2 and 28. Applicants have amended claims 1, 2, 26 and 28 to more clearly define the claimed invention. For example, with respect to claims 1 and 26, the “at least one protrusion” has been amended to recite “at least one first member protrusion” as illustrated by reference numeral 54a in Figure 4. With respect to claims 2 and 28, the “a pair of first protrusions” has been amended to recite “a pair of first member protrusions” as illustrated by reference numerals 54a, 54b in Figure 3.

Claims 9, 20 and 30 have been amended to more clearly define the “at least one first member protrusion” illustrated as feature 54a in Figure 4 and the “pair of second member protrusions” illustrated as feature 56 in Figure 4, thereby obviating the examiner’s rejection for double inclusion.

Claims 16, 17 and 36 have been amended to remedy the antecedent basis rejection.

Claims 8, 19, and 33 have been amended to delete the phrase “towards the tubular member sufficient for” to overcome the Examiner’s rejection.

Applicants believe that the amended claims more particularly point out and distinctly claim the subject matter of the Applicants' invention and sufficiently define the claimed features in accordance with 35 U.S.C. § 112. Accordingly, Applicant's respectfully request that the rejection of the claims under 35 U.S.C. § 112 be withdrawn.

IV. Rejection Under 35 U.S.C. §102(e)

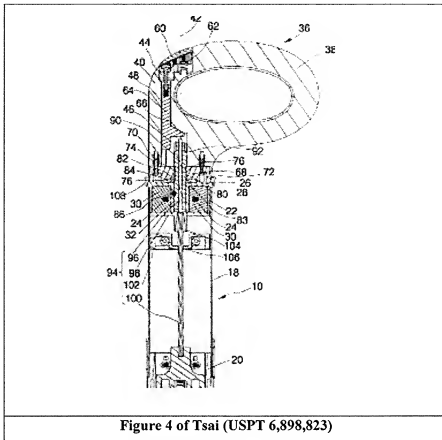
35 U.S.C. §102(e) over Tsai (USPT 6,898,823)

The Examiner has rejected claims 1, 2, 8, 12-14, 26, 31, 32 and 34-36 as being anticipated by Tsai (USPT 6,898,823). Applicants respectfully traverse these rejections.

As amended, Independent claims 1, 15 and 26 recite, *inter alia*, a towing arrangement comprising a first member in communication with the passageway of the handle, wherein the first member comprises at least one first member protrusion, the at least one first member protrusion having a first position disposed in the passageway of the handle, and a second position wherein at least a portion of the at least one first member protrusion is disposed in the internal volume of the tubular member.

Conversely, Tsai discloses a retractable handle assembly in which the members which connect the handle to the tubular portion are permanently positioned within both the handle and tubular portions. Indeed, Figure 4 of Tsai, which is reproduced below for the Examiner's convenience, illustrates a shaft 84 and transmission device 94 which extend through the handle

plug 68 so as to be simultaneously, and permanently, positioned within the handle portion 40 and the tubular portion 10.



Therefore, regardless of which element of Tsai, i.e. shaft 84 or transmission device 94, is interpreted to be a “first member” as claimed, neither element comprises a protrusion having a first position disposed in the passageway of the handle, and a second position wherein at least a portion of the protrusion is disposed in the internal volume of the tubular member. Further, Tsai does not disclose or suggest a second member residing in the internal volume of the tubular member and including a second protrusion configured to align with the first protrusion as recited in amended claim 26.

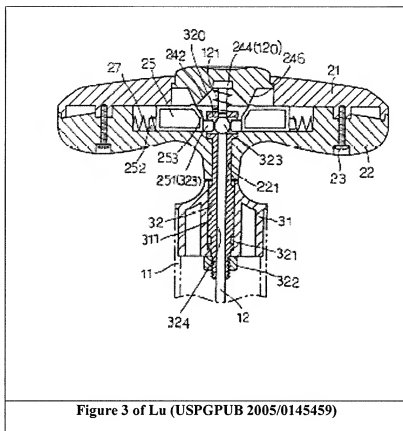
Accordingly, Applicants respectively submit that Tsai does not anticipate or render obvious independent claims 1, 15 and 26. For at least the reasons stated above, the dependent claims 2, 8, 12-14, 31-32 and 34-36 are not anticipated or rendered obvious by Tsai.

35 U.S.C. §102(e) over Lu (USPGPUB 2005/0145459)

Claims 1-4, 12, 13, 15, 16, 18, and 22-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Lu (USPGPUB 2005/0145459). Applicants respectfully traverse these rejections.

The Examiner alleges that the positioning rod 32 and the control lever 12 of Lu are the first member and the joint lock member, respectively, as recited in the claims. Even assuming *arguendo* that the positioning rod is a first member and the control lever 12 is a joint lock member, the first member of Lu does not include a protrusion having a first position disposed in the passageway of the handle, and a second position wherein at least a portion of the protrusion is disposed in the internal volume of the tubular member, as claimed.

Rather, and in distinct contrast, Lu discloses a handle assembly in which the members which connect the handle to the tubular portion are permanently positioned within both the handle and tubular portions. As clearly illustrated in Figure 3 of Lu, which is reproduced below for the Examiner's convenience, both the positioning rod 32 or "first member", and the control lever 12 or "joint lock member", are permanently positioned within both the handle and tubular portions.



Consequently, Lu does not disclose or suggest a first member including a protrusion having a first position disposed in the passageway of the handle, and a second position wherein at least a portion of the protrusion is disposed in the internal volume of the tubular member, as recited in amended independent claims 1, 15 and 26. The Examiner alleges that the keys represented by character number 321 are protrusions as recited in the claims. However, the keys 321 of Lu are not in communication with the passageway of the handle 22, as depicted in figure 3 of Lu. Further, Lu does not disclose or suggest a second member residing in the internal volume of the tubular member and including a second protrusion configured to align with the first protrusion as recited in amended claim 26. Thus, like Tsai, Lu does not anticipate or render obvious the present claims. For at least these reasons, amended independent claims 1, 15 and 26

and claims 2, 4, 12-13, 16, 18, 19 and 22-24, which depend respectively therefrom, are in condition for allowance.

V. Rejections under 35 U.S.C. §103(a)

Claims 9-11, 25, 30 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to claims 1, 15 and 26 and further in view of Chen (USPT 6,668,423).

As discussed above, neither Tsai nor Lu disclose or suggest various features of the independent claims. Chen does not remedy the many deficiencies of Tsai and Lu. Chen is discloses a luggage pull rod control device. Chen does not disclose or even remotely suggest a pivotable handle, let alone a first member having a protrusion as claimed. As such, there would be no motivation to combine Chen with either Tsai or Lu but more importantly even in combination with Tsai, Lu or both, Chen does not disclose or suggest the features of the claims discussed above. Accordingly, whether taken alone or in combination, Tsai, Lu and Chen do not render obvious the present claims. Applicants respectfully submit that claims are allowable over the prior art of record and request that the rejection to the claims be withdrawn.

VI. Formal Request for Interview

Applicant submits that the present application is in condition for allowance at least for the reasons set forth herein. If the present application is not considered to be in condition for allowance by the Examiner, Applicant requests an interview with the Examiner to discuss the present application and the prior art of record. Applicant's Attorney at (212) 408-2500 to schedule a mutually convenient date and time and to provide assistance or additional information as required.

VII. Conclusion

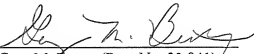
The amendments of the claims above is being made solely to expedite prosecution of the present application and do not constitute an acquiescence to any reference identified by the Examiner. For the reasons set forth above, Applicant respectfully submits that all pending claims define patentable subject matter over the cited art, either considered alone or in combination.

In view of the foregoing, Applicant believes that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Applicant authorizes the Commissioner to charge any additional fees and/or credit any overpayments associated with this paper to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 072841.0230. Further, if a fee is required for an extension of time under 37 C.F.R. § 1.136 not provided for above, Applicant requests such extension and authorizes the charging of the extension fee to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 072841.0230.

Respectfully submitted,

BAKER BOTTS L.L.P.

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